REMARKS

Claims 34-52 are pending. Applicant has canceled claims 1-13.

The Examiner rejected claims 1-6 and 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Youden and Durouz and claims 7-9 under 35 U.S.C. § 103(a) as being unpatentable over Youden, Duruoz, and Suzuki. Although these claims have been canceled, applicant would like to make the following observations regarding newly added claims 34-52.

Each of the newly added claims is a directed to sending a stream of data from a server to a client when a switch is made in rendering the stream from a first playback speed to a second playback speed. In particular, the claims are directed to sending "the stream of data for the second playback speed at a speed that is greater than required for the second playback speed" as recited in, for example, claim 34. The sending of the stream of data at a speed greater than that is required for the playback speed allows the client to switch the rendering to the second playback speed before it starts receiving the stream of data sent by the server for the second playback speed. For example, the client can start rendering the stream of data at the second playback speed upon request by the user and rely on a buffered stream of data that was sent for the first playback speed to help ensure smooth rendering. Even though the amount of data in the buffer may be temporarily less than a desired amount, the receiving of the stream of data at the greater speed allows the buffer to quickly refill to the desired amount while the stream of data is being rendered at the second playback speed. Thus, the client can render the stream of data without a noticeable delay in the switching of the playback speed and/or without a noticeable pause in the rendering.

In rejecting claim 5, the Examiner relied on the "fast prefetch at startup" feature of Youden. Youden describes that when a video is to be played, the initial portion of the video is placed in a buffer before starting to display the video. After the initial portion has been placed in the buffer, the video is then rendered from the buffer. As additional

portions of the video are received, they are placed in the buffer. Because the video is sent in packets that may have different transmission times, Youden uses the buffer to help ensure that enough video is available to render smoothly even when a packet is delayed. Because the initial portion is a prefetched, Youden does not start rendering the video immediately. Rather, Youden waits until the initial portion has been buffered. As a result, a user may notice a significant delay between requesting that the video be rendered and the start of the rendering. Thus, Youden teaches that a buffer of data is to be collected before starting to render a video.

Applicant's claims recite that the rendering at the second playback speed starts before any data for the second playback speed is received at the client. Even if one were to adapt Youden's "prefetching at startup" suggestion to "prefetching when a second playback speed is selected," the result would be delaying the rendering at the second playback speed until a buffer of data for the second playback speed was received. This delay would likely be very noticeable and annoying to a user. Applicant's claimed invention, in contrast, reduces any delay by switching to the second playback speed even before any data for the second playback speed is received from the server. Applicant's invention relies on receiving the data at a speed faster than required by the second playback speed so that the buffer can be quickly refilled to the desired level needed to ensure smooth rendering even with network packet delays. Moreover, the new claims further recite a novel combination of elements that is neither taught nor suggested by the cited references.

Based upon the above amendments and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

By

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